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Twelfth session
Bonn, 12 - 16 June 2000
Item 2 (a) of the provisional agenda

# PROVISIONAL AGENDA AND ANNOTATIONS

**Note by the Executive Secretary**

## I. INTRODUCTION

1. Arrangements have been made for the twelfth session of the Subsidiary Body for Implementation (SBI) to be held at the Hotel Maritim, Bonn, from 12 to 16 June 2000. The session is scheduled to be opened by the Chairman at 11 a.m. on Monday, 12 June 2000.

2. Following agreement reached during the fifth session of the Conference of the Parties (COP 5), the duration of the twelfth session of the SBI will be one week. This week of formal meetings is to be preceded by a week of informal meetings, including workshops, at the same venue. A tentative schedule for this informal week is contained in annex II to this document. These consultations and workshops will be convened under the authority of the chairmen of the subsidiary bodies and will normally be open to all participants, including observers. Facilities will be available for up to two meetings at a time, although there will be no provision for interpretation or documentation during the pre-sessional week. It is hoped that the informal nature of these pre-sessional meetings will facilitate substantial progress being made on the various agenda items under consideration during the session.

## II. PROVISIONAL AGENDA[1]

3. The provisional agenda for the twelfth session of the SBI, proposed after consultation with the Chairman, is as follows:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;
   (b) Organization of the work of the session.

3. Implementation of Article 4.8 and 4.9 of the Convention (decision 3/CP.3 and Articles 2.3 and 3.14 of the Kyoto Protocol).

4. Matters relating to Article 3.14 of the Kyoto Protocol.

5. Procedures and mechanisms relating to compliance under the Kyoto Protocol.

6. Mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol.

7. National communications from Parties included in Annex I to the Convention: experience with the review of second national communications.

8. National communications from Parties not included in Annex I to the Convention:

   (a) Report of the first meeting of the consultative group of experts;
   (b) Provision of financial and technical support.

9. Financial mechanism:

   (a) Progress report on the review by the Global Environment Facility of enabling activities;
   (b) Progress report on the review by the Global Environment Facility of its capacity-building activities;
   (c) Additional guidance to the Global Environment Facility: support to the Intergovernmental Panel on Climate Change.

10. Arrangements for intergovernmental meetings.

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[1] Items 3, 4, 5 and 6 will be considered jointly with the Subsidiary Body for Scientific and Technological Advice.

11. Administrative and financial matters.

12. Report on the session.

## III. ANNOTATIONS TO THE PROVISIONAL AGENDA

### 1. Opening of the session

4. The twelfth session of the SBI is scheduled to be opened by the Chairman at 11 a.m. on Monday, 12 June 2000.

### 2. Organizational matters

#### (a) Adoption of the agenda

5. The provisional agenda for the twelfth session of the SBI will be presented for adoption. It may need to be adjusted to take account of developments during the week of informal meetings, including workshops, preceding the twelfth sessions of the subsidiary bodies.

6. Items 3, 4, 5 and 6 have been included in the provisional agendas for the twelfth sessions of both the SBI and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

7. In view of the ambitious work programme the SBI has before it in the lead-up to the sixth session of the Conference of the Parties (COP 6), an effort has been made to streamline the agenda.

#### (b) Organization of the work of the session

8. Parties are invited to refer to the proposed schedule of work contained in annex III to this document.

9. It is proposed that items 3, 4, 5 and 6 of the provisional agenda be taken up initially in a joint meeting of the subsidiary bodies scheduled for the afternoon of Monday, 12 June.

10. In line with decisions 10/CP.5[2] and 11/CP.5, the secretariat will hold informal consultations with Parties during the pre-sessional week with a view to developing elements of a draft framework for capacity-building activities for consideration by the subsidiary bodies at their thirteenth sessions.

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[2] For the full texts of decisions adopted by the Conference of the Parties at its fifth session, see document FCCC/CP/1999/6/Add.1.

## 3. Implementation of Article 4.8 and 4.9 of the Convention (decision 3/CP.3 and Articles 2.3 and 3.14 of the Kyoto Protocol)

11. By its decision 5/CP.4,[3] the Conference of the Parties adopted the programme of work set out in the annex to that decision. According to this programme of work, the COP, at its sixth session, is to identify any additional actions needed to address the implementation of Article 4.8 and 4.9 of the Convention, as well as Articles 2.3 and 3.14 of the Kyoto Protocol. In light of this decision, the COP, by its decision 12/CP.5, mandated the organization of two workshops, back to back, before the end of March 2000. The workshops were held in Bonn, from 9 to11 March 2000, and from 13 to15 March 2000, respectively. The report on these workshops is contained in document FCCC/SB/2000/2.

12. The SBI may wish to consider the information provided in the report on the workshops, with a view to giving guidance on the identification of any further actions needed to address the implementation of Article 4.8 and 4.9 of the Convention, as well as Articles 2.3 and 3.14 of the Kyoto Protocol. Also, in accordance with decision 12/CP.5, the SBI may wish to discuss the implementation of the examples of initial actions listed in paragraph 4 (a)-(e) of that decision, and it may also wish to discuss the process of implementation of Article 4.8 and 4.9 of the Convention as provided for in the same decision.

## 4. Matters relating to Article 3.14 of the Kyoto Protocol

13. According to Article 3.14 of the Kyoto Protocol, the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 1) shall consider actions to implement the provisions of Article 3.14. The COP, at its fifth session, having considered this matter along with the implementation of Article 4.8 and 4.9 of the Convention (decision 3/CP.3 and Articles 2.3 and 3.14 of the Kyoto Protocol), decided to consider further, at its sixth session, matters related to Article 3.14 as an input to COP/MOP 1, taking into account its ongoing discussions on the implementation of Article 4.8 and 4.9 of the Convention (decision 12/CP.5).

14. The SBI may wish to initiate deliberations on how the consideration of this item is to proceed.

## 5. Procedures and mechanisms relating to compliance under the Kyoto Protocol

15. By its decision 15/CP.5, the Conference of the Parties decided that the Joint Working Group (JWG) on Compliance should continue its work beyond the fifth session of the COP with the aim of completing its work so as to enable the Conference of the Parties to adopt a decision on a compliance system under the Kyoto Protocol at its sixth session.

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[3] For the full texts of decisions adopted by the Conference of the Parties at its fourth session, see document FCCC/CP/1998/16/Add.1.

16. The JWG, at its meetings during the eleventh sessions of the subsidiary bodies, invited Parties to submit any further proposals on compliance by 31 January 2000 (FCCC/SBI/1999/14, para. 84 (b)). The submissions are contained in document FCCC/SB/2000/MISC.2.

17. The JWG confirmed that a workshop on matters relating to a compliance system was needed and would be convened by the co-chairmen in March 2000 (FCCC/SBI/1999/14, para. 84 (c)). The workshop was held in Bonn from 1 to 3 March 2000.

18. The JWG requested the co-chairmen, with the assistance of the secretariat, to further develop the elements of procedures and mechanisms relating to a compliance system under the Kyoto Protocol (FCCC/SBI/1999/14, para. 84 (d)). The JWG will have before it, for its consideration, a note by the co-chairmen containing the elements for a framework of a compliance system under the Kyoto Protocol (FCCC/SB/2000/1).

19. The JWG may also wish to consider the next steps in the process of developing a compliance system under the Kyoto Protocol, bearing in mind that it must intensify its efforts to fulfil its mandate to recommend such a system to the Conference of the Parties at its sixth session.

## 6. Mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol

20. Recalling its decision 7/CP.4 on the work programme on mechanisms of the Kyoto Protocol, the COP, at its fifth session, requested the chairmen of the subsidiary bodies to revise their note entitled "Synthesis of proposals by Parties on principles, modalities, rules and guidelines. Note by the chairmen" (FCCC/SB/1999/8 and Add.1), to incorporate further proposals by Parties and to consolidate a text for further negotiation, in accordance with comments by Parties. It also requested the chairmen of the subsidiary bodies to convene inter-sessional meetings and workshops to assist in undertaking preparatory work for the Conference of the Parties at its sixth session, drawing on technical expertise, as appropriate, taking into account the need for transparency and regional balance in representation and the need for Parties to review the work of the experts (decision 14/CP.5).

21. The revised note by the chairmen is contained in document FCCC/SB/2000/3, "Text for further negotiation on principles, modalities, rules and guidelines on mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol. Note by the chairmen". This text takes into account further proposals submitted by Parties by 31 January 2000 (see document FCCC/SB/2000/MISC.1) and views expressed by Parties during the informal consultations on mechanisms, convened by the chairmen of the subsidiary bodies and chaired by Mr. Kok Kee Chow (Malaysia), held in Kuala Lumpur from 20 to 23 March 2000.

22. The chairmen of the subsidiary bodies will provide a briefing to Parties on the workshop on mechanisms to be held in Bonn during the week of informal meetings, including workshops, preceding the twelfth session of the SBI.

23. By its decision 14/CP.5, the COP also requested the subsidiary bodies, at their sessions prior to the sixth session of the COP, to take forward the consolidated text as a basis for further negotiations on principles, modalities, rules and guidelines, with priority to be given to the clean development mechanism, with a view to the COP taking decisions on all the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol at its sixth session, including, where appropriate, recommendations to COP/MOP 1.

24. The SBI, at its joint meetings with the SBSTA, may wish to consider the note by the chairmen contained in document FCCC/SB/2000/3 and the submissions by Parties in document FCCC/SB/2000/MISC.1 and to provide further guidance to the chairmen on how to take forward the consolidated text and the work programme on mechanisms under decision 7/CP.4.

## 7. National communications from Parties included in Annex I to the Convention: experience with the review of second national communications

25. The SBI, at its tenth session, requested the secretariat to prepare a report on experience with the review of second national communications, including suggestions for avoiding delays in the publication of reports in the future, for consideration at its twelfth session (FCCC/SBI/1999/8, para. 23 (c)). In response to this request, the secretariat has prepared a paper on experience with the in-depth reviews of national communications (FCCC/SBI/2000/3).

26. The SBI may wish to consider the options contained in this paper. In considering these options, it may wish to provide guidance to the secretariat on the continuation of preparations for the review of third national communications, including the possibility of drafting guidelines for conducting reviews of national communications from Parties included in Annex I to the Convention (Annex I Parties) and the structure of in-depth review reports, for consideration at a future session.

27. The SBI will also have before it a regular progress report on the in-depth reviews of second national communications (FCCC/SBI/2000/INF.6).

## 8. National communications from Parties not included in Annex I to the Convention

### (a) Report of the first meeting of the consultative group of experts

28. By its decision 8/CP.5, the Conference of the Parties decided to establish a consultative group of experts (hereinafter referred to as "the group") on national communications from Parties not included in Annex I to the Convention (non-Annex I Parties) with the objective of improving national communications from non-Annex I Parties. It requested the secretariat to

facilitate the work of the group in accordance with Article 8.2(c) of the Convention and decision 10/CP.2,[4] paragraph 1 (a), by, *inter alia*, coordinating the meetings of the group and compiling reports on its regional workshops and meetings for consideration by the subsidiary bodies.

29. According to the terms of reference of the group, which are annexed to decision 8/CP.5, the group shall meet twice in the year 2000, each time immediately prior to the meetings of the subsidiary bodies. The first of such meetings will take place during the week of informal meetings preceding the first sessional period in 2000. An oral report on the conclusions of this meeting will be presented to the SBI.

30. According to the same terms of reference, there will be one workshop each year in each of the regions (Africa, Asia, and Latin America and the Caribbean) to consider both regional and subregional experience. The Government of Mexico has offered to host the first such workshop for the Latin America and the Caribbean region in Mexico City from 8 to12 May 2000. The report of this workshop will be made available for consideration by the group at its first meeting.

31. The SBI may wish to take note of the oral report of the first meeting of the group, which will include information on the regional workshop for the Latin America and the Caribbean region, and provide further guidance to the group as it deems necessary.

**(b) Provision of financial and technical support**

32. By decisions 10/CP.2 and 12/CP.4, the Conference of the Parties requested the secretariat to facilitate assistance to Parties not included in Annex I to the Convention in the preparation of their initial national communications, and to provide a report to the subsidiary bodies at each of their sessions. A report covering this request is contained in document FCCC/2000/SBI/INF.1.

33. Decision 10/CP.2 further requested the secretariat to submit to the SBI, at each of its sessions, details of the financial support made available by the Global Environment Facility (GEF) to Parties not included in Annex I to the Convention for the preparation of their initial national communications. A report covering this request is contained in document FCCC/SBI/2000/INF.2.

34. Decision 12/CP.4 also requested the secretariat to compile and make available to the Parties a list of projects submitted by non-Annex I Parties in accordance with Article 12.4 of the Convention. As of this year, the list of projects will be posted on the UNFCCC web site and will be updated on a regular basis.

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[4] For the full texts of decisions adopted by the Conference of the Parties at its second session, see document FCCC/CP/1996/15/Add.1

35. The SBI may wish to take note of the information contained in the above-mentioned documents and the list of projects mentioned above and provide any guidance it deems necessary to the secretariat.

## 9. Financial mechanism

### (a) Progress report on the review by the Global Environment Facility of enabling activities

36. By its decision 10/CP.5, the Conference of the Parties requested the secretariat to report to the subsidiary bodies, at their twelfth sessions, *inter alia*, on progress in the review by the GEF of its enabling activities. This report is contained in document FCCC/SBI/2000/INF.3.

37. The SBI, at its eleventh session, noted that the GEF, in paragraph 32 of its report to COP 5, had indicated the initiation of a "comprehensive review of its support for the preparation of initial national communications from non-Annex I Parties". The review was expected to examine: (a) the effectiveness of this modality of support; (b) the effectiveness and efficiency of the operational procedures of the Facility; (c) the influence of support on broader capacity-building and/or planning; and (d) the best practice from country experience (FCCC/SBI/1999/14, para. 57 (b)). The GEF secretariat, at that session, assured the SBI that the views and concerns identified by non-Annex I Parties (see FCCC/SBI/1999/INF.10) would be taken fully into account, and that the review would be completed by COP 6 (FCCC/SBI/1999/14, para. 57 (c)-(d)).

38. The SBI may wish to consider the information provided in document FCCC/SBI/2000/INF.3 and make any comments it deems necessary.

### (b) Progress report on the review by the Global Environment Facility of its capacity-building activities

39. By its decision 10/CP.5, the Conference of the Parties requested the secretariat to report to the subsidiary bodies, at their twelfth sessions, *inter alia*, on progress in the review by the GEF of its capacity-building activities in its normal work programme, its Country Dialogue Workshops and its Capacity Development Initiative. This report is contained in document FCCC/SB/2000/INF.4.

40. The SBI may wish to consider the information provided in the above-mentioned document and to make any comments it deems necessary.

### (c) Additional guidance to the Global Environment Facility: support to the Intergovernmental Panel on Climate Change

41. By its decision 19/CP.5, the Conference of the Parties noted with concern the urgent appeal for additional resources by the Chairman of the Intergovernmental Panel on Climate Change (IPCC). It urged Parties, and organizations in a position to do so, to contribute financial support to the work of the IPCC to enable it to complete its third assessment report and special reports in view of their importance to advancing the Convention process. The COP invited the SBI, at its twelfth session, to consider the issue of support to the IPCC in the context of recommending additional guidance to the GEF. The Chairman of the SBI has been consulting on this matter with the Chairman of the IPCC and the Chairman/CEO of the GEF; he will report the results of these consultations to the twelfth session of the SBI.

42. Parties may wish to come prepared to the session with suggestions relating to this issue. The SBI may wish to make recommendations to the Conference of the Parties at its sixth session on further guidance to the GEF.

## 10. Arrangements for intergovernmental meetings

43. The SBI will have before it document FCCC/SBI/2000/4 prepared by the secretariat for the sixth session of the Conference of the Parties after consultations with the Bureau, containing information on the following items.

#### (i) Thirteenth sessions of the subsidiary bodies

44. The Government of France offered to host the thirteenth sessions of the subsidiary bodies. Following consultations with the Bureau of COP 5, the Executive Secretary accepted the offer. Consequently the thirteenth sessions of the subsidiary bodies will be held in France from 11 to 15 September 2000, preceded by one week of informal meetings including workshops.

#### (ii) Sixth session of the Conference of the Parties

45. By its decision 2/CP.5, the Conference of the Parties accepted the offer of the Netherlands to host the sixth session of the Conference of the Parties in The Hague from 13 to 24 November 2000. The sixth session of the COP will be held in conjunction with resumed thirteenth sessions of the subsidiary bodies. The Conference requested the Executive Secretary to conclude a host country agreement with the Government of the Netherlands on arrangements for the sixth session of the COP.

46. This document will include a list of possible elements for a provisional agenda for the session and suggestions concerning the organization of work of the session including the scheduling of the sessions of the subsidiary bodies and the Conference and statements by the

Parties, observer States, intergovernmental organizations and non-governmental organizations. The SBI may wish to take note of the information provided by the secretariat, consider the suggestions presented and provide guidance on those matters.

(iii) Seventh session of the Conference of the Parties

47. The SBI may wish to invite Parties interested in hosting COP 7 to present their offers for consideration by the SBI at its thirteenth session. The SBI, after considering any such offers, may wish to recommend, for adoption by COP 6, a decision on the date and host country for COP 7, and also to request the secretariat to start planning for COP 7 with the designated host country and enter into the necessary agreement.

(iv) Calendar of meetings for 2000-2004

48. The Conference of the Parties, at its fifth session, adopted the calendar of meetings of Convention bodies for the period 2000-2003. The secretariat will propose dates for the sessional periods in 2004 for consideration by the SBI.

## 11. Administrative and financial matters

(i) Possible options to respond to late payment of contributions

49. By its decision 21/CP.5, the Conference of the Parties expressed concern at the continuing trend towards late payment of contributions, some still outstanding from 1996 and 1997, and requested the Executive Secretary to present, through the SBI at its twelfth session, possible options to respond to the situation of late payment of contributions for consideration at its sixth session.

50. The SBI will have before it document FCCC/SBI/2000/2 on this subject. The SBI may wish to consider the various options presented in this document, and make its recommendation to include such options in an omnibus decision on administrative and financial matters to be adopted by the Conference of the Parties at its sixth session. It may also wish to provide the Executive Secretary with further guidance in this matter.

(ii) Status of contributions

51. Information on the latest status (as at 15 May 2000) of contributions by Parties to the core budget, the Trust Fund for Participation in the UNFCCC Process and the Trust Fund for Supplementary Activities is contained in document FCCC/SBI/2000/INF.5.

52. The SBI may wish to express its appreciation to the Parties that have made timely contributions to the core budget, especially those which have made voluntary contributions to the

other trust funds. The SBI may also wish to urge Parties that have not made their contributions to do so in a timely manner.

## 12. Report on the session

53. Because of the time that is likely to be needed for considering all items on the agenda, a complete draft text of the report may not be available at the end of the session. The SBI may wish to adopt conclusions and authorize the Rapporteur to complete the report after the session with the guidance of the Chairman and the assistance of the secretariat. Subject to the availability of sufficient time for their translation, conclusions will be made available in all official languages.

Annex I

## DOCUMENTS BEFORE THE SUBSIDIARY BODY FOR IMPLEMENTATION AT ITS TWELFTH SESSION

**Documents prepared for the session**

| | |
|---|---|
| FCCC/SBI/1999/14 | Report of the Subsidiary Body for Implementation on its eleventh session, Bonn, 25 October - 5 November 1999 |
| FCCC/SBI/2000/1 | Provisional agenda and annotations. Note by the Executive Secretary |
| FCCC/SBI/2000/2 | Administrative and financial matters. Possible options to respond to late payment. Note by the Executive Secretary |
| FCCC/SBI/2000/3 | National communications from Parties included in Annex I to the Convention. Experience with the review of second national communications |
| FCCC/SBI/2000/4 | Arrangements for intergovernmental meetings. Note by the Executive Secretary |
| FCCC/SBI/2000/INF.1 | National communications from Parties not included in Annex I to the Convention. Provision of financial and technical support. Report on activities to facilitate the provision of financial and technical support and information on communications from Parties not included in Annex I to the Convention |
| FCCC/SBI/2000/INF.2 | National communications from Parties not included in Annex I to the Convention. Provision of financial and technical support. Information on relevant action by the Global Environment Facility |
| FCCC/SBI/2000/INF.3 | National communications from Parties not included in Annex I to the Convention. Provision of financial and technical support. Progress report on the review by the Global Environment Facility of enabling activities |
| FCCC/SBI/2000/INF.5 | Administrative and financial matters. Status of contributions |

| | |
|---|---|
| FCCC/SBI/2000/INF.6 | National communications from Parties included in Annex I to the Convention. Progress report on the in-depth reviews of second national communications |
| FCCC/SB/2000/1 | Procedures and mechanisms relating to compliance under the Kyoto Protocol. Elements of a compliance system under the Kyoto Protocol. Note by the co-chairmen of the Joint Working Group on Compliance |
| FCCC/SB/2000/2 | Implementation of Article 4.8 and 4.9 of the Convention (decision 3/CP.3 and Articles 2.3 and 3.14 of the Kyoto Protocol). Report on the workshops mandated by decision 12/CP.5. Note by the chairmen of the subsidiary bodies |
| FCCC/SB/2000/3 | Text for further negotiation on principles, modalities, rules and guidelines on mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol. Note by the chairmen of the subsidiary bodies |
| FCCC/SB/2000/INF.4 | Report on progress in the review by the Global Environment Facility of its enabling activities, its capacity-building activities in its normal work programme, its Country Dialogue Workshops and its Capacity Development Initiative |
| FCCC/SB/2000/MISC.1 | Mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol. Principles, modalities, rules and guidelines on mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol. Submissions from Parties |
| FCCC/SB/2000/MISC.2 | Procedures and mechanisms relating to compliance under the Kyoto Protocol. Further proposals on compliance. Views from Parties |

**Other documents for the session**

| | |
|---|---|
| FCCC/CP/1999/6 | Report of the Conference of the Parties on its fifth session, held at Bonn from 25 October to 5 November 1999 |

| | |
|---|---|
| FCCC/CP/1999/6/Add.1 | Report of the Conference of the Parties on its fifth session, held at Bonn from 25 October to 5 November 1999. Addendum. Part Two: Action taken by the Conference of the Parties at its fifth session |
| FCCC/SBI/1999/INF.10 | National communications from Parties not included in Annex I to the Convention. Provision of financial and technical support. Report on inputs from Parties to the review by the Global Environment Facility of enabling activities on climate change |
| FCCC/SB/1999/8 and Add.1 | Mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol. Synthesis of proposals by Parties on principles, modalities, rules and guidelines. Note by the chairmen |

**Documents available for reference only**

| | |
|---|---|
| FCCC/CP/1998/16/Add.1 | Report of the Conference of the Parties on its fourth session, held at Buenos Aires from 2 to 14 November 1998. Addendum. Part Two: Action taken by the Conference of the Parties at its fourth session |
| FCCC/CP/1997/7/Add.1 | Report of the Conference of the Parties on its third session, held at Kyoto from 1 to 11 December 1997. Addendum. Part Two: Action taken by the Conference of the Parties at its third session |
| FCCC/CP/1996/15/Add.1 | Report of the Conference of the Parties on its second session, held at Geneva from 8 to 19 July 1996. Addendum. Part Two: Action taken by the Conference of the Parties at its second session |
| FCCC/CP/1995/7/Add.1 | Report of the Conference of the Parties on its first session, held at Berlin from 28 March to 7 April 1995. Addendum. Part Two: Action taken by the Conference of the Parties at its first session |
| FCCC/SBI/1999/8 | Report of the Subsidiary Body for Implementation on its tenth session, Bonn, 31 May - 11 June 1999 |

Annex II

## PROPOSED SCHEDULE FOR THE WEEK OF INFORMAL MEETINGS, INCLUDING WORKSHOPS (5-10 JUNE 2000)

| Time | Monday (5 June) | | Tuesday (6 June) | | Wednesday (7 June) | | Thursday (8 June) | | Friday (9 June) | | Saturday (10 June) | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Initial briefing | | | | | | | | | | | |
| **1000-1300** | 5,7 & 8 (5.2) | 4.8, 4.9 & 3.14 | 5,7 & 8 (7 & 8) | P&M | 4.8, 4.9 & 3.14 | Technology | Mechanisms | | 5,7 & 8 | Compliance | LULUCF | ICC briefing *(see note 2)* |
| **Lunch** | | | | | | | | | | | | |
| **1500-1700** | Mechanisms | LULUCF | Mechanisms | 5.7 & 8 (5.2) | Compliance | | Compliance | P&M | LULUCF | Compliance | LULUCF | ICC briefing |
| **1700-1900** | | | Cross-cutting issues meeting | | Compliance | Briefing on the "IPCC Special Report on LULUCF" | 5,7 & 8 | 4.8, 4.9 & 3.14 | P&M | Capacity building | | |
| **1900-2100** | 5,7 & 8 (5.1) | 4.8, 4.9 & 3.14 | Mechanisms (industry & environmental NGOs) | LULUCF | 5.7 & 8 (7 & 8) | Capacity building | Cross-cutting issues meeting *(if needed)* | | 4.8, 4.9 & 3.14 | Capacity building *(reserve)* | | |

**Notes**:

- This schedule assumes no more than 2 meetings at any one time, excluding the consultative group of experts on national communications from Parties not included in Annex I to the Convention and the friends of the Chair meeting for Technology Transfer (FoCTT).
- The timing for the International Chamber of Commerce (ICC) event is preliminary. A similar event may also be held by the Environmental NGO Constituency, to be announced later.

**Abbreviations in the schedule:**

| | | |
|---|---|---|
| 5, 7 & 8 | - | National systems, adjustments and guidelines under Articles 5, 7 and 8 of the Kyoto Protocol |
| 4.8, 4.9 & 3.14 | - | Article 4.8 and 4.9 of the Convention and 3.14 of the Kyoto Protocol |
| Mechanisms | - | Mechanisms pursuant to Articles 6, 12 & 17 of the Kyoto Protocol |
| LULUCF | - | Land-use, land-use change and forestry |
| P&M | - | Policies and measures |
| Technology | - | Development and transfer of technology |

Annex III

# PROPOSED SCHEDULE OF WORK FOR THE TWELFTH SESSIONS OF THE SUBSIDIARY BODIES

| | Monday<br>12 June | Tuesday<br>13 June | Wednesday<br>14 June | Thursday<br>15 June | Friday<br>16 June |
|---|---|---|---|---|---|
| | | | | | JOINT MEETING |
| 10 a.m.<br>to<br>1 p.m. | SBSTA items<br>8 (a), 8 (b), 8 (c),<br>9 (a)<br><br>SBI items<br>7, 8 and 9<br>(11 a.m. - 1 p.m.) | SBSTA items<br>7, 8 (d), 8 (e),<br>9 (b), 10 and 11<br><br>SBI items<br>10 and 11 | INFORMALS | INFORMALS | SBSTA items<br>3, 4, 5 and 6<br><br>SBI items<br>3, 4, 5 and 6 |
| 3 p.m.<br>to<br>6 p.m. | JOINT MEETING<br>(SBSTA/SBI)<br><br>SBSTA items<br>3, 4, 5 and 6<br><br>SBI items<br>3, 4, 5 and 6 | INFORMALS | INFORMALS | SBSTA items<br>8 (a), 8 (b), 8 (c),<br>9 (a)<br><br>SBI items<br>7, 8 and 9 | SBSTA items<br>7, 8 (d), 8 (e),<br>9 (b), 10 and 11<br><br>SBI items<br>10 and 11 |

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SUBSIDIARY BODY FOR IMPLEMENTATION
Twelfth session
Bonn, 12-16 June 2000
Item 11 of the provisional agenda

# ADMINISTRATIVE AND FINANCIAL MATTERS

## Late payment of contributions: response options

## Note by the Executive Secretary

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | INTRODUCTION | 1 - 2 | 2 |
| II. | THE PROBLEM AND ITS CAUSES | 3 - 10 | 2 |
| III. | OPTIONS | 11 - 19 | 6 |
| A. | Approach in the United Nations system | 11 - 13 | 6 |
| B. | Practices of other convention bodies | 14 - 16 | 7 |
| C. | Responses by the UNFCCC | 17 - 18 | 7 |
| D. | Additional options | 19 | 8 |


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## I. INTRODUCTION

1. Expressing concern at the continuing trend towards late payment of contributions, some still outstanding from 1996 and 1997, the Conference of the Parties (COP), at its fifth session, requested the Executive Secretary to present, through the Subsidiary Body for Implementation (SBI) at its twelfth session (decision 21/CP.5), possible options to respond to the situation of late payment of contributions for consideration at its sixth session (FCCC/CP/1999/6/Add.1).

2. This document, which has been prepared in response to that request, consists of two main sections:

(a) The first section briefly explains the problems and inconveniences that could be faced by the Convention as a result of late payments to the core budget. Some of the possible causes of late payment of contributions are also listed in this section;

(b) The second section gives some examples of how the United Nations and other international organizations have approached the issue, explains the measures taken so far by UNFCCC and suggests additional options the SBI may wish to consider as a basis for recommendations to COP 6.

## II. THE PROBLEM AND ITS CAUSES

3. The secretariat is expected to implement an approved programme of work, filling posts and entering into financial commitments based on the approved budget, in anticipation that the corresponding contributions will be paid in time. According to the United Nations procedures for the establishment and management of trust funds and the financial procedures of the Convention, commitments by the secretariat can only be made on the basis of paid contributions. However, although the financial procedures of the Convention specify that contributions to the core budget are due by 1 January of each year, very few contributions have been received by the due date.

4. Figures 1 and 2 illustrate trends of paid contributions and actual expenditures in comparison to the planned expenditures in 1998 and 1999. If contributions had been made in time, expenditures could have been made in accordance with the approved budget. However, in an attempt to keep the level of expenditures below that of paid contributions, activities had to be delayed. Moreover, the narrow gap between paid contributions and actual expenditures signifies that there was no time for financial planning, thus leading to undue pressure in budgetary procedures before expenditures are incurred.

***Figure 1. 1998 cumulative contributions and expenditures***
***(Millions of US dollars)***

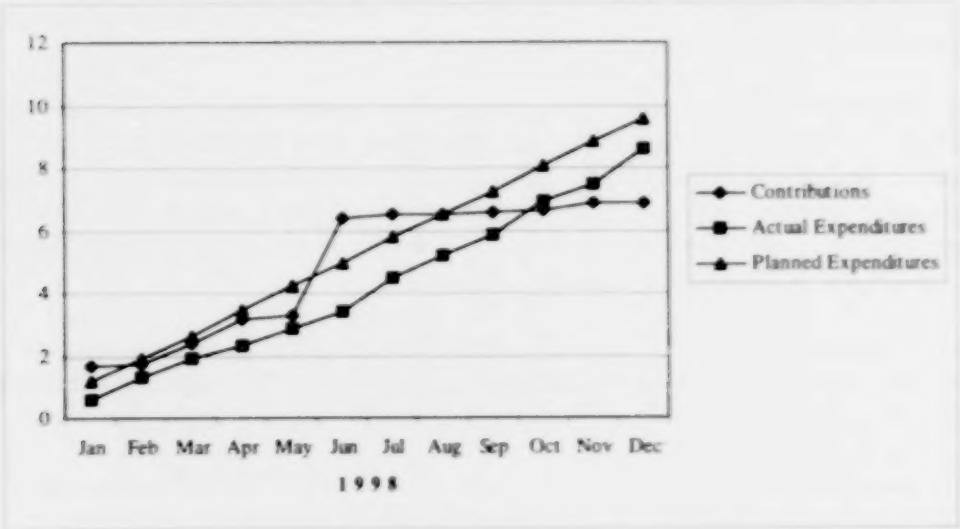
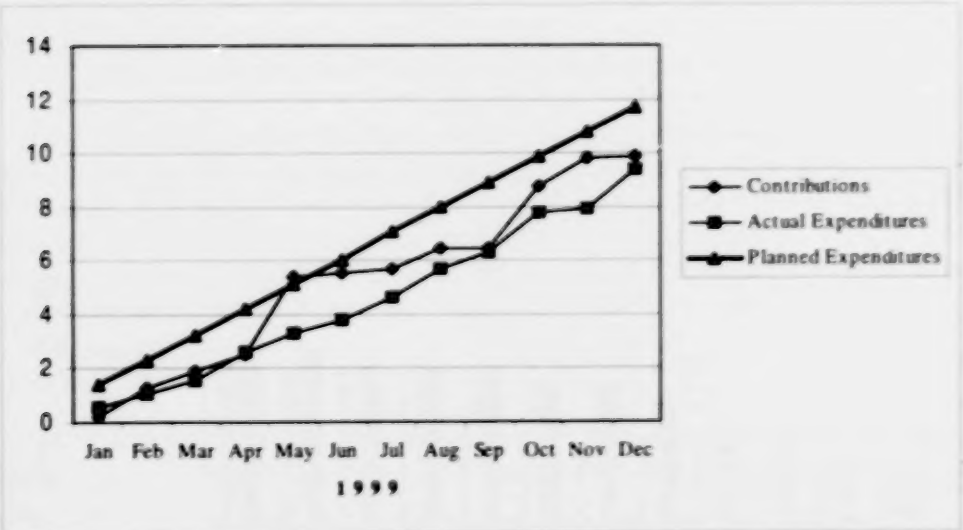



***Figure 2. 1999 cumulative contributions and expenditures***
***(Millions of US dollars)***



5. For example, a substantial amount of the contributions for 1998 was received after the accounts for that year had been closed. Only 78 per cent of the indicative contributions for that year were received by December, while the expenditures over the same period amounted to 86 per cent of the approved budget. In 1999, 55 per cent of the indicative contributions were received by 30 June, and 92 per cent by 31 December of the same year.

6. The number of Parties with outstanding contributions remains very high. In 1998, out of the total number of 174 Parties, 60 Parties paid their contributions by 30 June and only 74 Parties by 31 December, leaving 100 Parties which had not paid their contributions within the 12 month period following the due date. Of the top 20 contributors, one paid by 1 January 1998. Four contributions were received during the first quarter, followed by seven during the second quarter. Six major contributors made their 1998 contributions in 1999.

7. In 1999, although the total income increased, the number of Parties which made their contributions remained low. By the end of the year, 112 Parties had not made their contributions for that year. Of the top 20 contributors, again only one paid by 1 January 1999; three others paid their contributions during the first quarter, followed by three in the next quarter. By 31 December, three of the major contributors had their 1999 contributions outstanding (see figures 3 and 4 for a comparison of the percentages of Parties having paid and indicative contributions received by the end of each month).

***Figure 3. Cumulative percentage of paying Parties, by month, in 1998 and 1999***

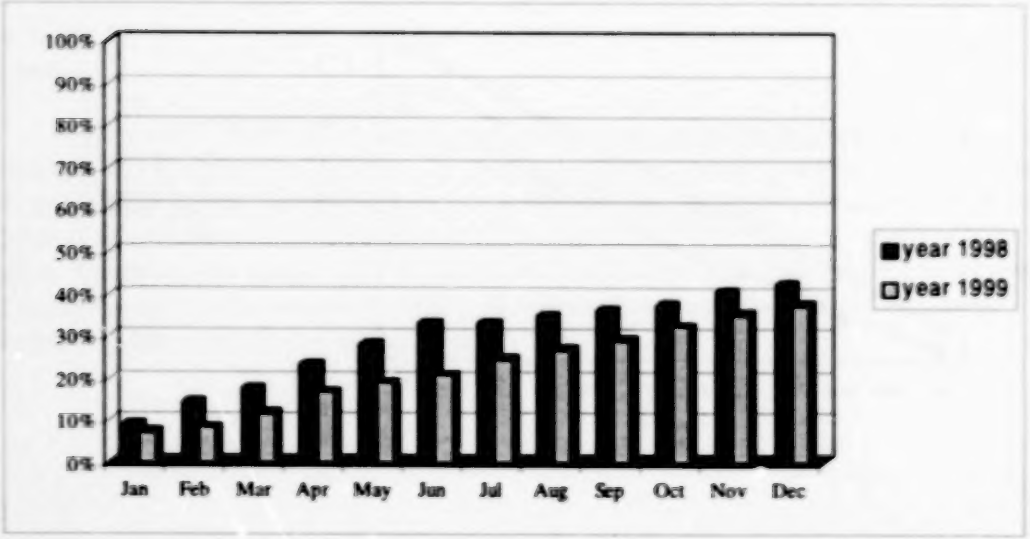



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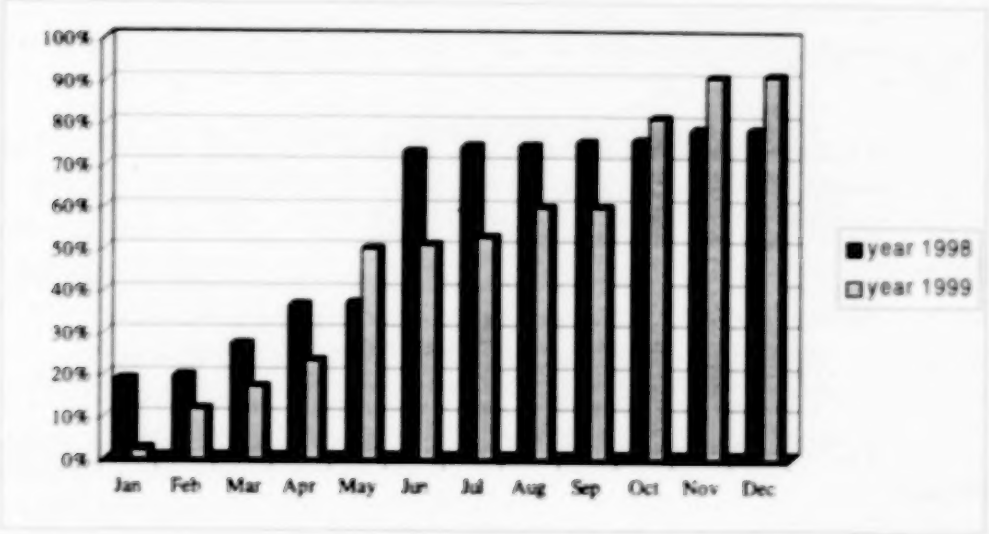
*Figure 4. Cumulative percentage of contributions received, by month, in 1998 and 1999*




8. The shortage of cash that could have been caused by the late payments was avoided because the secretariat was authorized to use the working capital reserve and the carry-over balances from previous financial periods. However, since the COP has also decided (decision 20/CP.5) to use the carry-overs to offset the difference of over $3.7 million between the approved expenditures ($27,888,200) and the expected contributions ($24,186,000) in the current biennium, the carry-over balance and the working capital reserve may no longer be sufficient to cover initial expenditures unless contributions are paid in a timely manner.

9. Although the majority of the Parties which fail to make their contributions during the year in which they are due are developing countries, it is not unusual for major contributions from Annex II Parties to be delayed until the end of the year, or even the next year. On the other hand, a number of least developed countries and small island States have made their payments during the current year.[1] This trend does not support the argument that financial constraints are the only reason for outstanding contributions.

10. Other reasons for delay appear to be:

(a) Lengthy internal approval procedures and administrative delays. In some cases, contributions to international organizations may have to undergo elaborate approval processes, including clearance by the parliament;

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[1] See FCCC/SBI/2000/INF.5.

(b) The separation of responsibility for UNFCCC participation from that for payment of contributions. For example, while officials of the Ministry the Environment may be responsible for participation in the process, the responsibility for contributions may be that of the Ministry of Finance or the Ministry of Foreign Affairs. COP budget decisions and consequential notifications of contributions may not filter through from the focal points to the department that issues payments;

(c) Lack of clear remittance instructions. Contributions intended for UNFCCC have been directed to other United Nations organizations or have been kept in suspense accounts owing to lack of clarity in the credit advices received from the bank;

(d) Change of indicative contributions as a result of budget revision or a decision taken after the initial notification. For example, the initial notifications of indicative contributions for the first years of the biennium of 1998-1999 and 2000-2001 included contingencies for conference services, pending the General Assembly resolution on this issue;

(e) Directing notifications by the secretariat to a ministry not responsible for payment of contributions;

(f) Payment of deposits into the wrong account after they were received at the United Nations.

## III. OPTIONS

### A. Approach in the United Nations system

11. It may be useful to consider the approach taken by organizations in the United Nations system, although they may have different financial procedures.

12. Article 19 of the Charter of the United Nations stipulates that:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

13. The International Telecommunication Union (ITU) has in place two types of penalties on its members which do not make timely payment of their assessed contributions. According to Article 169 of its constitution,

> "a Member which is in arrears in its payments to the Union shall lose its right to vote ... as long as the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years."

In addition, the ITU financial regulations specify that late payment of trust funds will be charged interest of at least 6 per cent per annum. (Article 6, paragraph 3 (b) of ITU financial regulations).

## B. Practices of other convention bodies

14. The secretariat considered the experience of several international conventions administered within the United Nations system,[2] but none of them has conducted a comprehensive study on this matter or devised a formal response to parties whose contributions are overdue.

15. Considering that contributions are not "assessed", the conventions have so far preferred to use political persuasion and appeals, rather than introducing penalties, so as to avoid discouraging Parties from fulfilling their substantive commitments to the successful implementation of the respective conventions.

16. Other conventions, which do not have an institutional linkage with the United Nations, have introduced more severe penalties. For example, statutes and regulations of the International Union for the Conservation of Nature and Natural Resources (IUCN) stipulate that "the rights of a member in connection with elections, voting and motions shall be suspended when the dues of that member are one year in arrears". The International Whaling Commission reported that a system of progressive sanctions such as increased interest charges on outstanding balances, not supplying documentation and the loss of voting rights has saved the Commission from financial crisis.[3]

## C. Responses by the UNFCCC

17. UNFCCC has already taken certain initiatives to encourage Parties to make their contributions in a timely manner. These measures include:

(a) Ensuring that notifications of indicative contributions are dispatched by 30 September of the year preceding that in which the contributions are due;

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[2] Convention on International Trade in Endangered Species of Wild Fauna and Flora, Convention on the Conservation of Migratory Species of Wild Animals, Secretariat of the Basel Convention, United Nations Convention to Combat Desertification, Convention on Biological Diversity, Montreal Protocol on Substances that Deplete the Ozone Layer.

[3] Report prepared by IUCN Environmental Law Centre, March 1997.

(b) Sending letters to the top 20 contributors urging timely payment if contributions are not made within the first half of each year;

(c) Issuing the "status of contributions" document, which lists Parties that have and have not paid their contributions, at every session of the subsidiary bodies and the Conference of the Parties, thus prompting delegates to take remedial action;

(d) Withdrawing financial support from those Parties which are not least-developed countries or small island developing countries, which would normally be eligible for financial support to participate in the meetings of the Conference of the Parties and its subsidiary bodies and which have been in arrears for more than one year.

18. The above-mentioned measures have produced positive results but have not proved sufficient.

## D. Additional options

19. The SBI may therefore wish to consider the following additional options with a view to making a recommendation to COP 6:

(a) The COP may decide that Parties with arrears of one year or more would be declared ineligible:

(i) to host a session of the Conference of the Parties or its subsidiary bodies;

(ii) for funding to attend inter-sessional workshops and other informal meetings;

(iii) for membership of the Bureau of the COP or of its subsidiary bodies;

(iv) for invitation to inter-sessional workshops and other informal meetings;

(b) The COP may wish to request the secretariat to explore the possibility of charging interest on outstanding contributions, and to make a recommendation to the COP, through the SBI, on possible options on the level of interest and the level of arears subject to such charges.

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# NATIONAL COMMUNICATIONS FROM PARTIES INCLUDED IN ANNEX I TO THE CONVENTION: EXPERIENCE WITH THE REVIEW OF SECOND NATIONAL COMMUNICATIONS

**Note by the secretariat**

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | INTRODUCTION | 1 - 3 | 3 |
| | A. Mandate | 1 | 3 |
| | B. Scope of the note | 2 | 3 |
| | C. Possible action by the SBI | 3 | 3 |
| II. | EXPERIENCE WITH THE IN-DEPTH REVIEWS OF SECOND NATIONAL COMMUNICATIONS | 4 - 11 | 3 |
| | A. Background | 4 - 5 | 3 |
| | B. Experience with the second round of in-depth reviews | 6 - 11 | 4 |


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| | | Paragraphs | Page |
|---|---|---|---|
| III. | OPTIONS FOR THE IN-DEPTH REVIEWS OF THIRD NATIONAL COMMUNICATIONS | 12 - 27 | 7 |
| A. | Background | 12 - 13 | 7 |
| B. | Possible coverage of in-depth reviews | 14 - 16 | 8 |
| C. | Possible structure of future in-depth reviews | 17 | 8 |
| D. | Possibilities for conducting in-depth reviews | 18 - 20 | 9 |
| E. | Suggestions for the selection and preparation of experts | 21 - 24 | 9 |
| F. | Options to speed up the publication of in-depth review reports | 25 - 27 | 10 |

# I. INTRODUCTION

## A. Mandate

1. The Subsidiary Body for Implementation (SBI) at its tenth session requested the secretariat to prepare a report on experience with the review of second national communications, including suggestions for avoiding delays in the publication of reports in the future, for consideration at its twelfth session (FCCC/SBI/1999/8, para. 23 (c)).

## B. Scope of the note

2. In response to the above mandate, this note describes the experience with the second round of in-depth reviews, mainly of second national communications. In this regard, it describes the attributes of reviews and the associated reports and also notes those aspects which assisted or hindered the review process. This raises a number of issues which may be taken into account when giving consideration to the in-depth reviews of third national communications from Annex I Parties, due by 30 November 2001. The note addresses ways in which the review process could be enhanced, including ways that may reduce delays in the publication of in-depth review reports.

## C. Possible action by the SBI

3. The SBI may wish to consider the information contained in this note. A number of options are presented for possible changes to the third round of in-depth reviews. In considering these options, the SBI may wish to provide guidance to the secretariat on the continuation of its preparations for the review of third national communications, including the possibility of drafting guidelines for conducting reviews of Annex I national communications and the structure of in-depth review reports for consideration at a future session. These options could speed up preparation of in-depth review reports in a direct or indirect way.

# II. EXPERIENCE WITH THE IN-DEPTH REVIEWS OF SECOND NATIONAL COMMUNICATIONS

## A. Background

4. Decision 2/CP.1 determined that each national communication submitted by an Annex I Party should be subject to an in-depth review and it established basic procedures for that review. Decision 9/CP.2 requested that these procedures also be applied to in-depth reviews of second national communications. The only amendment to these procedures resulted from decision 6/CP.3, namely that, as a general rule, in-depth reviews should include visits of review teams coordinated by the secretariat. Although not previously stipulated, this had been common practice.

5. The procedures laid out in decision 2/CP.1 determine that review teams should be coordinated by the secretariat, mainly be composed of experts nominated by Parties and, as appropriate, include experts from intergovernmental organizations. They further set out how each review team should produce, under its collective responsibility, a short report covering each of the main sections in the national communications. The decision also establishes the purpose and tasks of review, but does not stipulate in any detail what the review should consider or how it should be conducted. The key purpose of review is to ensure that the Conference of the Parties has accurate, consistent and relevant information at its disposal to assist it in carrying out its responsibilities, including to assess the implementation of the Convention by Parties. Under the tasks, the review process, *inter alia*, should undertake the review of key qualitative data, review policies and measures, assess information against Convention commitments and describe progress in the limitation of GHG emissions. Combined, the purpose and tasks present a significant role for review, whilst the need to produce a report with a suggested length of 10 pages places a significant constraint on the ability of a review team to fulfil this role, even though in practice reports are between 25 and 27 pages in length.

## B. Experience with the second round of in-depth reviews

6. The first round of reviews that took place in the period 1995 - 1997 covered the first national communications from Annex I Parties; the second round in the period 1998 - 2000 covered second national communications from the same Parties and some first national communications that were either overdue or had been submitted by Parties that had recently joined Annex I. The third round, beginning in 2002, will cover third national communications from the majority of Annex I Parties, second national communications from some Annex I Parties and first national communications from those Parties included in Annex I as a result of decision 4/CP.3.

7. The first stage of the in-depth review process has been the compilation and synthesis report (FCCC/CP/1998/11 and Add. 1-2). This presents country information in a way that facilitates comparisons. This has been particularly helpful in the early stages of a review when considering inventory estimates and emission trends. For other aspects of the national communication the nature of the compilation and synthesis reports is such that information on individual Parties, for example on their policies and measures, is usually too condensed to serve as a basis for preparing in-depth reviews.

8. Given the greater familiarization of Parties with the process and hence the greater availability of information, the second in-depth review reports have been able to cover subjects in greater detail than those following the first round of review, but the nature of the reports has not changed. The in-depth review reports cover each major section of the national communications. In doing so they expand on and complement the information already given and provide information which has become available since the publication of the national communication. Much of the information is relevant to consideration of a Party's implementation of its commitments under the Convention. However, aside from, typically,

noting progress towards the aim of stabilizing greenhouse gas emissions at the 1990 level by the end of the decade, a review report is not aimed at commenting specifically on implementation issues. Furthermore, a report does not contain any recommendations or policy advice. The reports also allow for easier comparison of information between Parties, although no common indicators are employed.

9. The in-depth review process has many valuable attributes. The review process is mutually beneficial to the experts involved and the officials in the host country, particularly as the exchange of ideas and information is highly productive for capacity-building purposes. In some areas government officials would only be aware of the climate change context of their work to a limited extent, as most policy is related to different goals. The review process and the final report stimulates wider debate between government agencies and various stakeholders in climate change issues and hence influences policy choices. The availability of in-depth review reports also assists in raising general public awareness. Furthermore, the in-depth reviews can assist Parties in preparing their subsequent national communication, especially when the team makes informal recommendations or when review team members contribute to preparing their own Parties' national communications.

10. Reviews were generally more successful where initial questions were sent in advance to Parties and where Parties took the time to prepare answers for the review team, so that time could then be devoted during the visit to the deeper exploration of issues. Early preparation of an agenda was also beneficial, especially when this helped to ensure that national experts were available during the in-depth review visit. In general, the more attention paid by the Party concerned to the process the more successful the review in terms of analysis of existing policies and understanding directions for future action.

11. There are a number of challenges in the conducting of in-depth reviews which should be taken into account when considering the future review process:

(a) Even when a team is made up of high quality experts with a wide range of experience, typically, due to the small size of the team, it cannot encompass every aspect of the review which should cover, *inter alia*, national circumstances, inventories, policies and measures, projections, education, research and systematic observation, activities implemented jointly, finance and technology transfer. Most experts are able to broadly participate in most aspects of a review. However, not all nominated experts have the appropriate expertise; they may, for example, only be knowledgeable about a highly specialized area which takes up a small fraction of the review. In some cases, the experts may have problems in participating due to language difficulties.

(b) Nominated experts have competing demands on their time. Frequently they are not fully prepared for a review because they have not had time to study the national communication and related documents in sufficient detail. In addition, the contributions of

experts subsequent to the review can vary substantially depending upon their other commitments, and, in general, it is not uncommon to have limited contributions for this reason.

(c) The review team face a time constraint in the consideration of issues during an in-depth review visit and may find it hard to write up all the information obtained within the page limit constraint. Frequently, more time is needed than can be devoted during a review to give an area the full consideration it deserves. This is especially true for GHG inventories and for projections, many of which are based on sophisticated models and cannot be discussed in enough detail due to time constraints.

(d) The review team are almost entirely dependent upon the country being reviewed for the provision of useful and timely information. In some countries, especially where climate change is not a high priority, it may be difficult to gain access to the appropriate officials and data. Given the importance of the visit as part of the current review process any disruption such as the requirement for officials to attend other meetings or lack of availability due to illness can cause considerable difficulties for the review. Furthermore, countries vary in the extent to which additional information is made available in English or another UN language.

(e) One feature of the review process is the clustering of reviews at peak periods. This occurs as Parties wish to invite review teams when the majority of their national experts are available and not too close to UNFCCC subsidiary body meetings. During these peaks the secretariat is expected to organize several visits, involving the arrangement of experts' travel, accommodation, visas, the establishment of agendas and so forth, with the host country. In some cases this work subsequently needs to be duplicated as it is not uncommon for reviews to be cancelled or postponed by the host country with limited notice. In these circumstances, it is difficult to simultaneously complete the review reports of earlier visits.

(f) The time between an in-depth review visit and publication of the report can take as long as 18 months in some cases. Most of the delay in producing an in-depth review report is attributable to the time taken for responses from expert reviewers and Parties to requests for information by the secretariat or for comments on draft in-depth review reports. Despite Parties being urged to submit their comments on the draft in-depth review reports, if possible not later than eight weeks following receipt, as contained in decision 6/CP.3, it is not uncommon for much longer periods to elapse. Similarly, owing to other commitments or absence, expert reviewers are often unable to provide prompt responses to the secretariat.

(g) The review process envisages that expert review teams should produce the IDR reports under their collective responsibility. This is not possible during the in-country visit which is taken up by meetings with officials and focuses upon collecting useful information. After the visit, owing to the constraints upon experts, in practice it is the secretariat which drafts IDR reports based on inputs and comments provided by experts. These drafts are often produced with some delay, since review officers need to handle simultaneously preparations for the next visit or visits and participate in ongoing work on other secretariat activities. Draft reports

undergo a thorough internal peer review to ensure consistency in approaches and adequate quality, which also takes time.

(h) During the second round of in-depth reviews, the amount of information made available to the review team was substantially more voluminous than for the first round of reviews. The secretariat has endeavoured to give careful consideration to this large volume of information, resulting in more detailed reports than produced before. In these circumstances and given the secretariat resources devoted to review, including limited secretarial, editing and documentation processing resources, publishing reports within the short timescale established in the procedures has been a significant challenge. In addition, the review officers are expected to share the knowledge gained through the review process by means of other secretariat activities, such as preparing guidelines for the technical review of GHG inventories, guidelines for the preparation of national communications and participation in the methodological work related to Articles 5, 7 and 8 of the Kyoto Protocol, and this has an impact on the time within which review reports can be finalized.

## III. OPTIONS FOR THE IN-DEPTH REVIEWS OF THIRD NATIONAL COMMUNICATIONS

### A. Background

12. Decision 11/CP.4 requests Annex I Parties to submit to the secretariat a third national communication by 30 November 2001 and subsequent national communications on a regular basis, at intervals of three to five years, to be decided at a future session of the COP. This decision implies that the in-depth reviews of the third national communications will take place during the period 2002 to 2003. There have been several changes to reporting and review since the second round of in-depth reviews which are relevant to consideration of the future review process.

13. The Conference of Parties at its fifth session adopted four sets of guidelines on reporting and review. The guidelines for the preparation of national communications by Parties included in Annex I to the Convention are now in two parts. Part I, adopted by decision 3/CP.5, covers UNFCCC reporting guidelines on annual inventories and are to be used by Parties in reporting inventories due by 15 April each year, starting in 2000. Part II, adopted by decision 4/CP.5, covers UNFCCC reporting guidelines on national communications. UNFCCC reporting guidelines for global climate observing systems (GCOS) were adopted by decision 5/CP.5. All Parties are invited to report on systematic observation in accordance with these guidelines. Annex I Parties are invited to report in conjunction with their national communication. In addition, Part II of the UNFCCC reporting guidelines requests summary information about GCOS. Guidelines for the technical review of greenhouse gas inventories from Parties included in Annex I to the Convention were adopted by decision 6/CP.5. The decision requests that these guidelines be used during the 2000 to 2001 trial period of technical inventory reviews and determines that individual reviews of inventories for all Annex I Parties will be initiated in 2003.

The pilot phase of activities implemented jointly (AIJ) is to be continued, in accordance with decision 13/CP.5, and Parties are encouraged to report information annually. Part II of the UNFCCC reporting guidelines on national communications does not request information about AIJ activities, but does request summary information about GCOS.

## B. Possible coverage of in-depth reviews

14. Future in-depth reviews should cover information provided in national communications, but, taking into account the COP5 decisions related to guidelines, could be further limited in two respects:

(a) Given that information about inventories is to be reported separately with only summary data included in the national communications and that a separate technical review procedure has been established for inventories, Parties could consider excluding the review of national inventories as part of the review of national communications (although analysis of information on inventories, such as trends, may still be included in in-depth review reports).

(b) Experts on global climate observing systems (GCOS) are usually highly specialized. For this reason, a separate process could be established using such experts to review this aspect of the reporting of Annex I Parties. Parties could opt for such a review to be conducted periodically on a paper only basis, without a country visit, resulting in a separate synthesis report on the status of GCOS. Alternatively, GCOS could be reviewed as part of the review of national communications.

15. As activities implemented jointly (AIJ) under the pilot phase are reported separately, this will not form part of the review of national communications. Parties can consider whether AIJ need to be reviewed and, if so, what review procedures are required, and whether it should be part of in-depth review.

16. Parties may also wish to consider what level of detail is required when reviewing projections, in particular. Having reliable information on projections and their methodologies would significantly enhance their credibility and could assist Parties in planning and monitoring implementation of their policies and measures. In giving further consideration to the review of various aspects of the national communication, Parties could take into account secretariat work in other areas, for example on best practices in policies and measures. So, consideration can be given to devoting an adequate amount of resources during a review to particular areas such as projections and policies and measures.

## C. Possible structure of future in-depth reviews

17. Instead of a single report, Parties can consider splitting the review into two or three stages for each Party. Stage I could relate to the adherence of a Party to UNFCCC reporting guidelines. A short status report could be produced and published on the secretariat web site. Stage II could

provide clarifications of information contained in the national communication and updated information. This could result in a report similar to the current in-depth review reports. Currently, consideration is given to adherence to reporting guidelines as part of the overall process, so having a review in two stages would formalize the separate consideration of reporting commitments. The third round of in-depth reviews could be limited to stages I and II or expanded to include a third stage. Stage III could relate to an assessment of the implementation of the Convention by the Party, in line with the stated purpose of the review in decision 2/CP.1, reiterated thereafter, taking into account that the third national communications would most probably indicate to what extent the aim of the Convention, to return greenhouse gas emissions to the 1990 level by the end of the decade, has been met. Parties could also decide that a report on stage III incorporates non-binding recommendations by the review team. In this way, Parties would be establishing a process that would provide useful experience in the preparation of the future review process under Article 8 of the Kyoto Protocol. For example, review teams could consider what type of information is useful for the consideration of implementation issues.

## D. Possibilities for conducting in-depth reviews

18. If Parties choose to split the in-depth reviews into different stages then guidance may be provided for conducting each stage. Stage I could be conducted immediately upon receipt of the national communication. The secretariat could communicate to a Party where there are gaps in reporting or where the national communication lacks clarity. Parties would be provided with an opportunity to furnish additional information in the format required by the UNFCCC reporting guidelines. If information was not available, Parties could be requested to provide an explanation. This process could help to provide complete information before the next stage of the review process and identify common reporting problems for Annex I Parties which could be of relevance in future updating of reporting guidelines.

19. Stage II could be based upon a paper review. After receiving the national communication, experts could send via the secretariat questions and requests for new information and/or additional documentation to the Parties. Deadlines could be established for this iterative process.

20. Stage III could be based upon a review team visit. The agenda for the visit would be agreed well in advance to ensure that the experts have sufficient time to address all key issues. If the review, by mutual consent, is limited to stages I and II then a review team visit could be included in stage II.

## E. Suggestions for the selection and preparation of experts

21. Parties could consider increasing the size of the review team. For visits, the review team could include local country experts, for example from nongovernmental organizations as observers. Further consideration could be given to increasing the length of the visit and follow-up visits, where thought necessary.

22. The selection of experts for in-depth review teams is a crucial factor in ensuring the quality of review. Many Parties have not yet nominated experts and are invited to consider doing so before the third round of reviews. Other Parties may wish to consider whether there is a need to update their nominations. The current nomination form only requires experts to stipulate whether they are knowledgeable in five broad areas, namely general climate change response policy, greenhouse gas inventories, projections of greenhouse gas emissions and removals, analysis of policies and measures and finance and technology transfer. Consideration could be given to stipulating minimum qualifications or applying a more rigorous selection procedure for the third round of review. Furthermore, this could encompass a commitment by experts and their respective employers that time will be available for their full participation in a review which includes several days' or weeks' work depending on the type of review.

23. There are several ways in which preparation for in-depth reviews and, in particular, in-depth review visits could be enhanced. It could be decided that experts meet in a single location prior to a visit in order to make their preparations. Furthermore, training or orientation could be provided for experts, facilitated by the secretariat.

24. There will be a lag of several years between the preparation of the second and third national communications for most Annex I Parties, during which time many experts will have move.[1] position and the institutional knowledge about the national communication process may be limited. This is one reason why Annex I Parties may wish to consider holding a workshop to exchange information about preparations for third national communications.

### F. Options to speed up the publication of in-depth review reports

25. A smoothing out of review visits over the course of the year would be more conducive to the timely production of review reports. Parties could establish a fixed schedule of evenly spaced out visits well in advance of the third round of reviews. Parties may wish to consider whether this schedule needs to be formally adopted by the SBI. This would also provide both the secretariat and Parties with sufficient time to agree agendas and ensure the availability of officials and review team members.

26. There are a number of ways in which the time between the initiation of the review of a national communication and the publication of the final report could be reduced. The greater the resources available to the secretariat the more time would be available to make all the necessary logistical arrangements, to coordinate the review, to produce the report and complete the documentation procedures leading to final publication. This is likely to speed up the process as, at present, the review team officers have other competing demands on their time, given the increasing workload of the secretariat. In giving consideration to resource needs, it should also be borne in mind that an increase in the number of Annex I Parties will lead to a higher number of national communications to be reviewed in the third round than in the second round. Parties may need to consider providing extra resources, if they wish to complete the in-depth review process within two years in accordance with current practice. Parties may instead consider

whether a two and a half to three year time period for conducting the third round of in-depth reviews is more practicable. Furthermore, Parties may note that the secretariat has received a request from a non-Annex I Party to be reviewed and should consider how the secretariat may respond.

27. Even if resources are increased, considerable delays in the publication of reports are likely to remain unless the practices of Parties change. Formal deadlines already exist, so greater commitment is called for from those involved in the review process.

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# ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

## Note by the Executive Secretary

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | INTRODUCTION | 1 - 4 | 3 |
| | A. Mandate | 1 - 2 | 3 |
| | B. Scope for the note | 3 | 3 |
| | C. Possible action by the Subsidiary Body for Implementation | 4 | 3 |
| II. | THIRTEENTH SESSIONS OF THE SUBSIDIARY BODIES | 5 - 6 | 3 |
| III. | SIXTH SESSION OF THE CONFERENCE OF THE PARTIES | 7 - 17 | 4 |
| | A. Host country agreement | 7 | 4 |
| | B. Possible elements of a provisional agenda for the sixth session of the Conference of the Parties | 8 - 10 | 4 |
| | C. Organizational matters | 11 - 17 | 5 |
| IV. | CALENDAR OF MEETINGS | 18 - 19 | 8 |


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| | | Paragraphs | Page |
|---|---|---|---|
| V. | DATE AND VENUE OF THE SEVENTH SESSION OF THE CONFERENCE OF THE PARTIES | 20 - 23 | 9 |
| | A. Date | 20 | 9 |
| | B. Venue | 21 - 23 | 9 |
| | Annex | | |
| | Sixth session of the Conference of the Parties: possible elements of a provisional agenda | | 10 |

# I. INTRODUCTION

## A. Mandate

1. Article 8.2 of the Convention provides that the functions of the secretariat shall be, *inter alia*, "to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required".

2. At its fifth session, the Conference of the Parties (COP), by its decision 2/CP.5, decided that the sixth session of the Conference of the Parties (COP 6) would be held from 13 to 24 November 2000 at The Hague in the Netherlands (FCCC/CP/1999/6/Add.1).

## B. Scope of the note

3. Section II of this note contains information on an offer by the Government of France to host the thirteenth sessions of the subsidiary bodies in September 2000, to be preceded by one week of informal consultations. Section III contains information on organizational arrangements for COP 6, and comments on the possible elements of a provisional agenda for that session of the Conference, contained in the annex to this document. Section IV contains proposals on the calendar of meetings for 2004. Section V deals with the date and venue of the seventh session of the Conference (COP 7). The Executive Secretary sought and considered comments from the Bureau before submitting the present note to the Subsidiary Body for Implementation (SBI).

## C. Possible action by the Subsidiary Body for Implementation

4. Guidance is invited from the SBI on the matters raised in this note, in particular on:

(a) The possible elements of a provisional agenda for COP 6;

(b) The organization of the work of COP 6, including meetings of the subsidiary bodies, participation by ministers and senior officials and a general debate;

(c) The calendar of meetings of Convention bodies in 2004;

(d) A recommendation to COP 6 on the date and venue of COP 7.

# II. THIRTEENTH SESSIONS OF THE SUBSIDIARY BODIES

5. The Government of France has offered to host the thirteenth sessions of the subsidiary bodies and the preceding week of informal consultations and workshops at the Palais des Congrès de Lyon from 4 to 16 September 2000. This offer constitutes a welcome commitment to the ongoing process that will increase political visibility in the run-up to COP 6 in The Hague. The offer was accepted by the Executive Secretary after consulting the President and members of

the COP 5 Bureau. The secretariat has since been in contact with the representatives of the Government of France concerning arrangements for the sessions. A host country agreement will be concluded and formal notification of the arrangements for the session will be issued in due course.

6. In light of the decision to increase the number of sessional periods in 2000, the secretariat has undertaken a review of COP decisions which refer to future sessions of the subsidiary bodies. After consulting the Bureau, the Executive Secretary has determined that the most pragmatic means of numbering the sessions is for the sessions of the subsidiary bodies in November 2000, in conjunction with COP 6, to be regarded as resumed thirteenth sessions.

## III. SIXTH SESSION OF THE CONFERENCE OF THE PARTIES

### A. Host country agreement

7. The COP, at its fifth session (COP 5), requested the Executive Secretary to conclude a host country agreement with the Government of the Netherlands on arrangements for COP 6 (decision 2/CP.5). Discussions are under way with the host Government and a team from the secretariat has visited the facilities available at the Netherlands Conference Centre in The Hague. Additional information will be conveyed orally to the SBI during its twelfth session.

### B. Possible elements of a provisional agenda

8. Rule 9 of the draft rules of procedure of the COP and its subsidiary bodies being applied provides that, "in agreement with the President, the secretariat shall draft the provisional agenda of each session". A list of possible elements of a provisional agenda for COP 6 has been prepared by the secretariat after seeking comments from the Bureau and considering those received, and is contained in the annex to this document. Most of the elements of the provisional agenda for COP 6 are on the agendas of the subsidiary bodies for the current sessions and will also be on the agendas for the thirteenth sessions. This should permit substantive progress to be made in preparing for COP 6.

9. The secretariat has organized the agenda elements in six main groups:

(a) Organizational and procedural matters;
(b) Reports of the subsidiary bodies of the Convention on their work;
(c) Convention implementation issues;
(d) Preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;
(e) Administrative and financial matters;
(f) General statements.

10. The elements strongly resemble the agenda of COP 5. However, a new sub-item on "best practices" in policies and measures has been added and the item on capacity-building has been given two sub-items: one pertaining to non-Annex I Parties and one to countries with economies in transition. An item on "Second review of the adequacy of Article 4, paragraph 2 (a) and (b) of the Convention" has been included, in accordance with a request by the COP at its fifth session to the Executive Secretary (FCCC/CP/1999/6, para. 18). A proposed amendment to the wording of the item is noted. This maintains the status quo as it emerged from COP 5.

## C. Organizational matters

### 1. Overview of the sessional period

11. The following scenario aims at combining two organizational objectives:

- To elect the new President of the COP from the outset to enable him to exercise political leadership throughout the sessional period; and

- To allow the present subsidiary body chairmen to remain in office for the first week of the sessional period for the sake of continuity in completing the contribution of the subsidiary bodies to a successful outcome of COP 6.

12. The sessional period would be organized as follows:

(a) The sixth session of the Conference of the Parties would open formally on Monday, 13 November at 10 a.m. The opening meeting would go through item 1 of the provisional agenda (see annex) including the election of the President. The host Government may hold a welcoming event in conjunction with the opening of the Conference;

(b) Upon completion of item 1, the Conference would go into recess for the rest of the first week. It would neither adopt its agenda nor elect the other Bureau members on 13 November;

(c) The subsidiary bodies would be convened by their serving chairmen after the opening plenary and meet throughout the first week (in their resumed thirteenth sessions). They would attempt to finalize as many issues as possible before winding up at the close of business on Saturday, 18 November;

(d) The President of COP 6 would be able to hold bilateral and group consultations on key issues during that first week, including consultations on the adoption of the COP 6 agenda. He could also chair a "transitional Bureau" combining the ten members of the outgoing COP 5 Bureau and any new members that would be elected at COP 6 (if known);

(e) On Monday, 20 November, the Conference would resume its plenary meetings and would adopt its agenda, hear reports from the chairmen of the subsidiary bodies on the results of their work, organize its own work and elect the 10 other members of the COP 6 Bureau;

(f) Ministers and other senior officials would attend COP 6 during the second week, e.g. from late on Monday, 20 November until Thursday evening or Friday morning. They could deliver short national statements, participate in consultations and give guidance to negotiators;

(g) The second week could thus look as follows:

- Monday, 20 November would be notionally allocated to organizational matters, some other plenary business and consultations by the President.
- On Tuesday, 21 November the Conference could hear statements by intergovernmental and non-governmental organizations in the morning, and national statements from 3 p.m. to midnight (as was done at COP 5).
- Wednesday, 22 and Thursday, 23 November would be the main days - with the President in the lead but assisted as necessary by ministers (e.g. from Bureau countries). (Any all-night negotiation would be planned for the Thursday night. The process would be open and transparent.)
- Final decisions could be adopted by the COP on the afternoon of Friday, 24 November.

## 2. Rules of procedure

13. As the Conference of the Parties has not been able to adopt its rules of procedure, the draft rules of procedure as contained in document FCCC/CP/1996/2 will continue to be applied, with the exception of draft rule 42, until the rules of procedure are adopted by the Conference. The President of COP 5 indicated that he would undertake consultations on the matter and report back to the COP at its sixth session (FCCC/CP/1999/6, para. 15). The evolution of discussions on the procedures and mechanisms relating to compliance under the Kyoto Protocol may provide new impetus to finding a solution to the outstanding issues on the rules of procedure.

## 3. Participation

(a) Notification and attendance

14. Rule 5 of the draft rules of procedure being applied provides that "the secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is held" (FCCC/CP/1996/2). Formal notification of the sixth session of the COP will be

communicated in due course to all Parties through their national focal points, diplomatic missions in Germany, permanent missions in Geneva and other diplomatic channels. The notification will advise that the representatives of Parties be provided by their Governments with full powers to participate in the session, including the possibility to vote and to serve as officers of the sixth session and of any sessional bodies, and as officers of the subsidiary bodies established by the Convention.

15. In accordance with Article 23 of the Convention, States that are not Parties and that wish to participate in COP 6 as Parties from the opening day (13 November 2000), should deposit their instruments of ratification or accession by 15 August 2000 at the latest. Such instruments should be received by that date by the Secretary-General of the United Nations as Depositary of the Convention.

(b) Financial support for participation

16. As at previous sessions of the COP, and depending on the availability of funding, the secretariat hopes to offer funding to:

(a) Two delegates from each Party that is a least developed country (LDC) or an eligible small island developing State (SIDS); and

(b) One delegate from each other Party that fulfils the eligibility criteria for funding. (Parties are eligible for funding if their GDP per capita for 1996 was US$6000 or less (based on UNCTAD figures) and, for those Parties that are not LDCs or SIDS, if they have paid their contributions to the UNFCCC core budget for the years up to and including 1999.)

In view of the importance of COP 6, it is proposed that funding of a second delegate to participate in this conference be extended to all eligible non-Annex I Parties, subject to the availability of funds.

17. At the time of writing, however, the level of the Trust Fund for Participation in the UNFCCC Process has been depleted to the point where funding of normal participation, let alone any expansion thereof, is at risk. No funds are available for the September sessions or for COP 6. It is to be hoped that contributions to the Trust Fund will be forthcoming in the next few months so that funding will be available for each eligible Party to attend COP 6.

## IV. CALENDAR OF MEETINGS

18. At its fifth session, the Conference of the Parties adopted the following calendar of meetings of Convention bodies for the period 2000-2003 (FCCC/CP/1999/6/Add.1, section II.1):

*2000*

- First sessional period: from 12 to 16 June 2000, preceded by one week of informal meetings, including workshops;
- Second sessional period: from 11 to 15 September 2000, preceded by one week of informal meetings, including workshops;
- Third sessional period: from 13 to 24 November 2000;

*2001*

- First sessional period: from 21 May to 1 June 2001;
- Second sessional period: from 29 October to 9 November 2001;

*2002*

- First sessional period: from 3 to 14 June 2002;
- Second sessional period: from 28 October to 8 November 2002;

*2003*

- First sessional period: from 2 to 13 June 2003; and
- Second sessional period: from 1 to 12 December 2003.

19. In the light of the need to reserve commercial conference facilities in Bonn and to book United Nations conference services well in advance, as well as the usefulness to Parties and the secretariat of planning the calendar of meetings, the SBI may wish to consider the following dates proposed for the two sessional periods in 2004:

*2004*

- First sessional period: from 14 to 24 June 2004; and
- Second sessional period: from 22 November to 3 December 2004.

## V. DATE AND VENUE OF THE SEVENTH SESSION OF THE CONFERENCE OF THE PARTIES

### A. Date

20. Article 7, paragraph 4, of the Convention provides that ordinary sessions of the COP shall be held every year unless otherwise decided by the Conference of the Parties. Accordingly, COP 7 should take place in 2001 unless otherwise decided by the Parties. The calendar of meetings adopted at COP 5 includes a sessional period from 29 October to 9 November 2001 and implies that COP 7 would be convened during that period.

### B. Venue

21. Rule 3 of the draft rules of procedure being applied states that "sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties" (FCCC/CP/1996/2).

22. Since the planning of sessions away from headquarters takes time for both the host Government and the secretariat, the SBI may wish to encourage any potential host Government for COP 7 to come forward with an offer that could be considered by the SBI at its thirteenth session and by COP 6. Such an offer would have to include an assurance that the host Government would cover the incremental costs of meeting away from Bonn.

23. The hosting of a session of the COP away from the secretariat's headquarters traditionally confers the presidency upon the host Government. In the context of the rotation of the presidency among the five regional groups, the first cycle was completed at COP 5, and a new cycle has begun with the hosting of COP 6 by the Netherlands (Western European and Others Group).

Annex

## SIXTH SESSION OF THE CONFERENCE OF THE PARTIES: POSSIBLE ELEMENTS OF A PROVISIONAL AGENDA

1. Opening of the session:

   (a) Statement by the President of the Conference at its fifth session;
   (b) Election of the President of the Conference at its sixth session;
   (c) Statement by the President;
   (d) Addresses of welcome;
   (e) Statement by the Executive Secretary.

2. Organizational matters:

   (a) Status of ratification of the Convention and its Kyoto Protocol;
   (b) Adoption of the rules of procedure;
   (c) Adoption of the agenda;
   (d) Election of officers other than the President;
   (e) Admission of organizations as observers;
   (f) Organization of work, including the sessions of the subsidiary bodies;
   (g) Date and venue of the seventh session of the Conference of the Parties;
   (h) Calendar of meetings of Convention bodies;
   (i) Adoption of the report on credentials.

3. Reports of subsidiary bodies and decisions and conclusions arising therefrom:

   (a) Report of the Subsidiary Body for Scientific and Technological Advice;
   (b) Report of the Subsidiary Body for Implementation.

4. Review of the implementation of commitments and of other provisions of the Convention:

   (a) National communications from Parties included in Annex I to the Convention;
   (b) National communications from Parties not included in Annex I to the Convention;
   (c) Report of the Global Environment Facility to the Conference;
   (d) Capacity-building;
      (i) Capacity-building in developing countries (non-Annex I Parties);
      (ii) Capacity-building in countries with economies in transition;
   (e) Development and transfer of technologies (decisions 4/CP.4 and 9/CP.5);
   (f) Implementation of Article 4, paragraphs 8 and 9, of the Convention (decision 3/CP.3 and Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol);

(g) Activities implemented jointly under the pilot phase (decisions 6/CP.4 and 13/CP.5);

(h) Other matters referred to the Conference of the Parties by the subsidiary bodies at their twelfth and thirteenth sessions.

5. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention.[1]

6. Proposals to amend the lists in Annexes I and II to the Convention:

(a) Review of information and possible decisions under Article 4, paragraph 2(f): proposals to remove Turkey from the lists in Annexes I and II;

(b) Amendment proposed by Kazakhstan: to add its name to the list in Annex I.

7. Preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (decision 8/CP.4):

(a) National systems, adjustments and guidelines under Articles 5, 7 and 8 of the Kyoto Protocol;

(b) Matters relating to land-use, land-use change and forestry;

(c) Work programme on mechanisms (decisions 7/CP.4 and 14/CP.5);

(d) Procedures and mechanisms relating to compliance under the Kyoto Protocol;

(e) "Best practices" in policies and measures;

(f) Matters relating to Article 3, paragraph 14 of the Kyoto Protocol;

(g) Impact of single projects on emissions in the commitment period (decision 16/CP.4);

(h) Other matters referred to the Conference of the Parties by the subsidiary bodies at their twelfth and thirteenth sessions.

8. Administrative and financial matters.

9. Statements:

(a) Statements by Parties;

(b) Statements by observer States;

(c) Statements by intergovernmental organizations;

(d) Statements by non-governmental organizations.

10. Any other matters.

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[1] At COP 5, it "proved impossible to reach any conclusions or decisions" on this matter (FCCC/CP/1999/6, para. 18). The Group of 77 and China proposed to amend the item as follows "Review of adequacy of implementation of Article 4, paragraphs 2 (a) and (b) of the Convention" (FCCC/CP/1999/6, para. 17).

11. Conclusion of the session

(a) Adoption of the report of the Conference of the Parties on its sixth session;
(b) Closure of the session.

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